

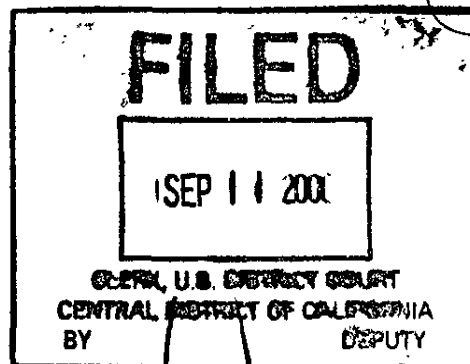
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CLERK, U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY

COUNSEL LISTED ON SIGNATURE PAGES



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

United States of America, et al.,

Plaintiffs,

v.

Montrose Chemical Corporation of  
California, et al.,

Defendants.

And Related Counterclaims, Cross-Claims  
and Third-Party Actions.

CASE NO. CV 903122-R

**STIPULATED ~~PROPOSED~~ ORDER  
REGARDING USE OF CERTAIN  
DEPOSITIONS AT TRIAL**

1 WHEREAS, during the course of this action, plaintiffs have deposed the  
2 following former employees of Montrose Chemical Corporation of California: Vincent Anicich,  
3 Bernard Bratter, Walter Carey, Guy DiMichele, Jack Fitzgerald, Charles Gardner, Lane Hodgin,  
4 John Kallok, Vernon Shehan, Ferdinand Suhrer, and Kurt Weston;

5 Whereas some of those witnesses were examined at length, and some of them are  
6 of advanced age;

7 Whereas all parties desire to accommodate these witnesses and to save the Court's  
8 time;

9 Whereas some of the witnesses fall within the purview of Federal Rule of Civil  
10 Procedure 32(a) so that depositions may be used, but others may not fall precisely within the  
11 ambit of Rule 32(a);

12 Whereas, pursuant to Local Rule 9.4.9, plaintiffs and defendants have identified  
13 the excerpts of such individuals' deposition testimony that each party intends to present at trial,  
14 plaintiffs have designated rebuttal testimony and, pursuant to agreement of the parties,  
15 defendants will finalize their rebuttal testimony for such witnesses by September 9, 2000, and all  
16 parties will make any objections to the identified deposition excerpts by September 12, 2000.

17 Plaintiffs, Defendants, and Counter-Claim Defendants stipulate, and the Court  
18 orders as follows:

19 1. The following witnesses shall testify in trial only by deposition  
20 designation: Vincent Anicich; Bernard I. Bratter; Walter Carey; Guy A. DiMichele; Jack  
21 Fitzgerald; Charles Lee Gardner; Lane Hodgin; John L. Kallok; Vernon (Joseph) Shehan;  
22 Ferdinand Suhrer; and Kurt M. Weston.

23 2. Cross examination and re-direct of all witnesses listed in Paragraph 1 shall  
24 be only by deposition designation.

25 3. The deposition testimony of each such witness shall have the same force  
26 as if the witness had been called to testify live.

27 4. All parties may rely on the testimony offered under this stipulation, and no  
28 party shall be required to show the existence of any of the circumstances set forth in Rule 32(a)

1 to offer the deposition testimony.

2 5. All parties reserve the right to object to the admissibility of such evidence  
3 on grounds other than Federal Rule of Civil Procedure 32(a) (3), and to make any arguments  
4 going to the weight of the testimony.

5 6. The deposition testimony to be presented shall be that identified in  
6 compliance with Local Rule 9.4.9 as described above. In addition, the parties may mark the  
7 deposition testimony on copies of certified copies of the deposition transcripts for the individuals  
8 identified in Paragraph 1.

9 7. Transcripts marked pursuant to Local Rule 9.4.9 and Paragraph 6 shall be  
10 lodged with the Court on September 19, 2000, and the parties will file indices of the marked  
11 portions in compliance with Local Rule 9.4.9 on September 19, 2000. The indices will include a  
12 list of objections and the grounds therefore. The Court will rule on the objections on October 2,  
13 2000, at 10:00 a.m.

14 8. Marked deposition testimony for which no objection has been sustained  
15 will be accepted as testimony without being read out loud in Court. However, the parties may  
16 read pertinent portions of any such deposition testimony out loud at the option of the party  
17 offering the testimony.

18 IT IS SO ORDERED:

19 Dated: September 11, 2000



THE HONORABLE MANUEL REAL  
UNITED STATES DISTRICT JUDGE

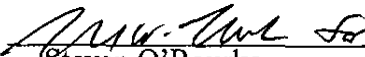
20  
21 So Stipulated:

22  
23 LOIS SCHIFFER  
24 Assistant Attorney General  
25 Environment & Natural Resources Division  
26 United States Department of Justice  
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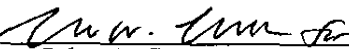
STEVEN O'ROURKE  
ANN HURLEY  
BRIAN ISRAEL  
Attorneys for the United States  
Environmental Enforcement Section  
Environment & Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Telephone: (202) 514-2779

Dated: September 6, 2000

By:   
Steven O'Rourke  
Attorneys for the United States

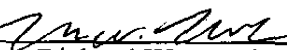
BILL LOCKYER  
Attorney General of the State of California  
J. MATTHEW RODRIQUEZ  
Assistant Attorney General  
JOHN A. SAURENMAN  
Deputy Attorney General  
300 South Spring Street  
Los Angeles, California 90013  
Telephone: (213) 897-2702; (213) 897-9442

Dated: September 6, 2000

By:   
John A. Saurenman  
Attorneys for State of California, et al.

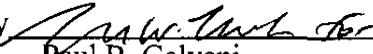
LATHAM & WATKINS  
505 Montgomery Street  
San Francisco, CA 94111  
Telephone: 415-391-0600  
Karl S. Lytz  
Richard W. Raushenbush

Dated: September 6, 2000

By:   
Richard W. Raushenbush  
Attorneys for Defendant, Counterclaimant and  
Cross-Claimant  
MONTROSE CHEMICAL CORPORATION OF  
CALIFORNIA

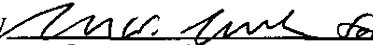
1 Dated: September 6, 2000

ROPES & GRAY  
One International Place  
Boston, MA 02110-2624  
Telephone: (617) 951-7000

4 By   
Paul B. Galvani  
Attorneys for Defendants, Counterclaimants, and  
Cross-Claimants AVENTIS CROPSOURCE USA,  
INC. and ATKEMIX THIRTY-SEVEN, INC.

8 Dated: September 6, 2000

SKADDEN, ARPS, SLATE, MEAGHER & FLOM  
LLP  
Four Embarcadero Center, Suite 3800  
San Francisco, CA 94111-5974  
Telephone: (415) 984-6400

12 By   
Jose R. Allen

Attorneys for Defendant, Counterclaimant, and  
Cross-Claimant CHRIS-CRAFT INDUSTRIES,  
INC.

15 SF\_DOCS\252908.1 [W97]

**PROOF OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins, 505 Montgomery Street, Suite 1900, San Francisco, CA 94111-2562.

On September 7, 2000, I served the following document described as:

**STIPULATED [PROPOSED] ORDER REGARDING USE OF CERTAIN DEPOSITIONS AT TRIAL**

by serving a true copy of the above-described document in the following manner:

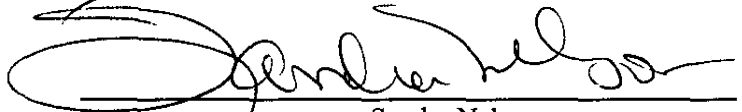
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I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury that the foregoing is true and correct.

Executed on September 7, 2000, at San Francisco, California.

  
Sandra Nelson

UNITED STATES AND STATE OF CALIFORNIA v. MONTROSE CHEMICAL  
CORPORATION OF CALIFORNIA, et al., CV-90-3122-R

**SERVICE LIST**

1. For Plaintiffs/Counter-Defendants/State Third-Party Defendants:

**Steven O'Rourke, Esq.**  
U.S. DEPARTMENT OF JUSTICE  
Environmental Enforcement Section  
P.O. Box 7611  
Washington, D.C. 20044-7611

Tel: (202) 514-2779  
Fax: (202) 514-2583

**OVERNIGHT MAIL:**

**Steven O'Rourke, Esq.**  
U.S. DEPARTMENT OF JUSTICE  
Environmental Enforcement Section  
*Environment & Natural Resources Division*  
1425 New York Avenue, N.W., 13<sup>th</sup> Floor  
Washington, D.C. 20005

**John A. Saurenman, Esq.**  
Deputy Attorney General  
CALIFORNIA DEPARTMENT OF JUSTICE  
300 South Spring Street, Room 5212  
Los Angeles, CA 90013  
Tel: (213) 897-2702  
Fax: (213) 897-2801

**Richard H. Borow, Esq.**  
IRELL & MANELLA, LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, CA 90067-4276  
Tel: (310) 277-1010  
Fax: (310) 203-7199

**H. Michael Semler, Esq.**  
*Environmental Defense Section*  
*Environment and Natural Resources Division*  
U.S. DEPARTMENT OF JUSTICE  
P. O. Box 23986  
Washington, D.C. 20026-3986  
Tel: (202) 514-1542  
Fax: (202) 616-2426

**OVERNIGHT MAIL:**

601 D Street, N.W., Suite 8116  
Washington, D.C. 20004

2. For DDT Industrial Defendants:

**Peter Simshauser, Esq.**  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
300 S. Grand Avenue, Ste. 3400  
Los Angeles, CA 90071-3144  
Tel: (213) 687-5000  
Fax: (213) 687-5600

**Paul G. Galvani, Esq.**  
**ROPES & GRAY**  
One International Place  
Boston, MA 02110-2624

Tel: (617) 951-7000  
Fax: (617) 951-7050

**Cary B. Lerman, Esq.**  
**Cynthia L. Burch, Esq.**  
**Michael R. Barsa, Esq.**  
**MUNGER, TOLLES & OLSON LLP**  
355 South Grand Avenue, 35<sup>th</sup> Floor  
Los Angeles, CA 90071-1560

3. For PCB Industrial Defendants:

**Charles B. Cohler, Esq.**  
**Christopher Yates, Esq.**  
**LASKY, HAAS, COHLER & MUNTER**  
505 Sansome Street, 12th Floor  
San Francisco, CA 94111-3183  
Tel: (415) 788-2700  
Fax: (415) 981-4025

4. For Defendant LACSD and Other County Sanitation Districts of Los Angeles County:

**B. Richard Marsh, Esq.**  
**Wesley G. Beverlin, Esq.**  
**KNAPP, MARSH, JONES & DORAN**  
Manulife Plaza, Suite 1400  
515 South Figueroa Street  
Los Angeles, CA 90071  
Tel: (213) 627-8471  
Fax: (213) 627-7897

5. For Third-Party Defendant City of Los Angeles:

**Keith W. Pritsker, Esq.**  
Deputy City Attorney  
1700 City Hall East  
200 North Main Street  
Los Angeles, CA 90012  
Tel: (213) 485-7513  
Fax: (213) 485-8899



6. For Los Angeles County Third-Party Defendants That Discharge to the JOS:

**Rufus C. Young, Jr., Esq.**  
**Stephen R. Onstot, Esq.**  
**Jeffrey Kightlinger, Esq.**  
BURKE, WILLIAMS & SORENSEN  
611 West Sixth Street, Suite 2500  
Los Angeles, CA 90017  
Tel: (213) 236-0600  
Fax: (213) 236-2700 & 236-2800

**Cary S. Reisman, Esq.**  
**Robert L. Kress, Esq.**  
WALLIN, KRESS, REISMAN & KRANITZ  
2800 Twenty-Eighth Street, Suite 315  
Santa Monica, CA 90405-6205  
Tel: (310) 450-9582  
Fax: (310) 450-0506

7. For Los Angeles County Third-Party Defendants That Do Not Discharge to the JOS:

**Harry L. Gershon, Esq.**  
RICHARDS, WATSON & GERSHON  
333 South Hope Street, 38th Floor  
Los Angeles, CA 90071-1469  
Tel: (213) 626-8484  
Fax: (213) 626-0078

**Richard L. Montevideo, Esq.**  
RUTAN & TUCKER  
611 Anton Boulevard, Suite 1400  
Costa Mesa, CA 92626  
Tel: (714) 641-5100  
Fax: (714) 546-9035

8. Third-Party Defendant County of Los Angeles:

**David J. Prager, Esq.**  
LAW OFFICES OF DAVID J. PRAGER  
2800 28th Street, Suite 315  
Santa Monica, CA 90405-6205  
Tel: (310) 664-9004  
Fax: (310) 664-9003

9. Third-Party Defendant City of Long Beach:

**Lisa Peskay Malmsten, Esq.**  
Deputy City Attorney  
333 W. Ocean Boulevard, 11th Floor  
Long Beach, CA 90802  
Tel: (562) 570-2227  
Fax: (562) 436-1579

10. Third-Party Defendants Orange County Municipalities and Sanitation Districts in Orange County:

**Thomas L. Woodruff, Esq.**  
**Bradley R. Hogin, Esq.**  
WOODRUFF, SPRADLIN, & SMART  
701 South Parker Street, Suite 7000  
Orange, CA 92868  
Tel: (714) 558-7000  
Fax: (714) 835-7787

11. Third-Party Defendants Ventura County and Municipalities and Sanitation Districts in Ventura County:

**Rufus C. Young, Jr., Esq.**  
**Stephen R. Onstot, Esq.**  
**Jeffrey Kightlinger, Esq.**  
BURKE, WILLIAMS & SORENSEN  
611 West Sixth Street, Suite 2500  
Los Angeles, CA 90017  
Tel: (213) 236-0600  
Fax: (213) 236-2700 & 236-2800

**Harry L. Gershon, Esq.**  
RICHARDS, WATSON & GERSHON  
333 South Hope Street, 38th Floor  
Los Angeles, CA 90071-1469  
Tel: (213) 626-8484  
Fax: (213) 626-0078

12. Third-Party Defendant Municipalities, and Water and Sanitation Districts in San Bernardino County:

**Mary L. Walker, Esq.**  
**Joan M. Brinkman, Esq.**  
BROBECK, PHLEGER & HARRISON LLP  
12390 El Camino Real  
San Diego, CA 92130  
Tel: (858) 720-2500  
Fax: (858) 720-2555

**Lois E. Jeffrey, Esq.**  
**Daniel K. Spradlin, Esq.**  
WOODRUFF, SPRADLIN & SMART  
701 South Parker Street, Suite 7000  
Orange, CA 92668  
Tel: (714) 558-7000  
Fax: (714) 835-7787